

BEFORE THE TENNESSEE REGULATORY AUTHORITY

Nashville, Tennessee

November 6, 2003

IN RE:

**IMPLEMENTATION OF THE FEDERAL
COMMUNICATIONS COMMISSION'S
TRIENNIAL REVIEW ORDER – 9
MONTH PROCEEDING – SWITCHING**

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**DOCKET NO.
03-00491**

**ORDER GRANTING INTERVENTION
OF BIRCH TELECOM OF THE SOUTH, INC.**

This docket came before the Hearing Officer for consideration of the *Petition to Intervene of Birch Telecom of the South, Inc.* filed on October 29, 2003.

In its petition, Birch Telecom of the South, Inc. explained that it is a competitive local exchange carrier certified in Tennessee and that this proceeding will address the terms and conditions under which it will provide service. Tennessee Code Annotated Section 4-5-310(a) sets forth the following criteria for granting petitions to intervene:

(a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if:

(1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;

(2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of the law; and


(3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.¹

¹ Tenn. Code Ann. § 4-5-310(a) (1998).

The Hearing Officer finds that the petition was timely filed and substantiates that Birch's legal interests may be affected by this docket. Further, Birch's intervention will not impair the interests of justice or the orderly and prompt conduct of this docket. Additionally, no party objected to the intervention. Therefore, pursuant to Tennessee Code Annotated Section 4-5-310(a), the petition should be granted.

IT IS THEREFORE ORDERED:

The petition to intervene filed by Birch Telecom of the South, Inc. is granted, and Birch Telecom of the South, Inc. may participate in this proceeding as its interests require and receive copies of any notices, orders or other documents filed herein.



Ron Jones, Director
As Hearing Officer²

² During the September 22, 2003 Authority Conference, a panel of the Tennessee Regulatory Authority consisting of Chairman Deborah Taylor Tate and Directors Pat Miller and Ron Jones unanimously voted to appoint Director Ron Jones as the Hearing Officer to prepare the switching portion of this case for a hearing by the panel. Transcript of Proceedings, Sept. 22, 2003, pp. 73-75 (Authority Conference).